



## Service of Process Transmittal Summary

**TO:** KIM LUNDY- EMAIL  
Walmart Inc.  
GLOBAL GOVERNANCE/CENTRAL INTAKE, 2914 SE I STREET MS#0200  
BENTONVILLE, AR 72712-3148

**RE:** Process Served in Texas

**FOR:** Wal-Mart Stores Texas, LLC (Domestic State: DE)

### ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

**TITLE OF ACTION:** Re: CUBOS MARIA // To: Wal-Mart Stores Texas, LLC

**DOCUMENT(S) SERVED:** Citation, Return, Original Petition

**COURT/AGENCY:** 149th Judicial District Court of Brazoria County, TX  
Case # 118639CV

**NATURE OF ACTION:** Personal Injury - Slip/Trip and Fall - 07/11/2020 - Walmart Supercenter Store #3510, located at 1710 Broadway St., Pearland, TX 77581

**PROCESS SERVED ON:** C T Corporation System, Dallas, TX

**DATE/METHOD OF SERVICE:** By Process Server on 08/11/2022 at 09:07

**JURISDICTION SERVED:** Texas

**APPEARANCE OR ANSWER DUE:** By 10:00 a.m. on the Monday next following the expiration of 20 days after service (Document(s) may contain additional answer dates)

**ATTORNEY(S)/SENDER(S):** Joe Matta  
Romero & Associates, P.C.  
3601 Navigation Blvd.  
Houston, TX 77003  
713-221-1777

**ACTION ITEMS:** CT has retained the current log, Retain Date: 08/12/2022, Expected Purge Date: 08/17/2022  
Image SOP

**REGISTERED AGENT CONTACT:** C T Corporation System  
1999 Bryan Street  
Suite 900  
Dallas, TX 75201  
877-564-7529  
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT

EXHIBIT A



**CT Corporation**  
**Service of Process Notification**

08/11/2022

CT Log Number 542100736

disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

**PROCESS SERVER DELIVERY DETAILS**

**Date:** Thu, Aug 11, 2022  
**Server Name:** Matthew Foster

Entity Served	WAL-MART STORES TEXAS, LLC
Case Number	118639-CV
Jurisdiction	TX

Inserts		



Service I.D. No. 236117

CAUSE NO. 118639-CV  
149th District Court

THE STATE OF TEXAS

CITATION

TO: Walmart Stores Texas, LLC  
By serving its Registered Agent  
C T Corporation System  
1999 Bryan St. Ste. 900  
Dallas, TX 75201-3136

Defendant

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the Clerk who issued this Citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this Citation and Plaintiff Maria Cubos' Original Petition a Default Judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org. If filing Pro se, said answer may be filed by mailing same to: Brazoria County District Clerk's office, 111 E. Locust, Suite 500, Angleton, TX 77515-4678 or by bringing said answer in person to the aforementioned address.

The case is presently pending before the 149th District Court of Brazoria County sitting in Angleton, Texas, and was filed on the 8th day of July, 2022. It bears Cause No. 118639-CV and Styled:

Maria Cubos

vs.

Walmart, Inc., Wal-Mart Stores Texas, LLC D/B/A Walmart Supercenter Store #3510

The name and address of the Attorney filing this action (or Party, if Pro Se) is Joe Matta, Romero & Associates, P.C., 3601 Navigation Blvd, Houston, TX 77003.

The nature of the demands of said Plaintiff is shown by a true and correct copy of Plaintiff's Petition accompanying this Citation.

Issued under my hand and the seal of said Court, at Angleton, Texas, on the 9th day of August, 2022.

DONNA STARKEY, DISTRICT CLERK  
Brazoria County, Texas



By Cathy Richard, Deputy  
Cathy Richard

Service LD. No. 236117

## RETURN OF SERVICE

CAUSE NO. 118639-CV 149th District Court

MARIA CUBOS  
VS.

WALMART, INC., WAL-MART STORES TEXAS, LLC D/B/A WALMART SUPERCENTER STORE #3510

Walmart Stores Texas, LLC  
By serving its Registered Agent  
C T Corporation System  
1999 Bryan St. Ste. 900  
Dallas, TX 75201-3136

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_, o'clock \_\_\_\_m., and executed in \_\_\_\_\_ County, Texas by delivering to each of the within named parties in person, a true copy of this CITATION with the date of delivery endorsed thereon, together with the accompanying copy of the Plaintiff Maria Cubos' Original Petition at the following times and places, to-wit:

NAME	DATE	TIME	PLACE, COURSE, AND DISTANCE FROM COURTHOUSE	MILEAGE

and not executed as to (NAME) \_\_\_\_\_

and the cause or failure to execute this process is for the following reason: \_\_\_\_\_

The diligence used in finding said (NAME) being: \_\_\_\_\_

## FEES:

Serving Citation and Copy

Mileage: \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile

Total

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\_\_\_\_\_, Officer  
\_\_\_\_\_, County, Texas

Deputy/Authorized Person

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The return must either be verified or be signed under penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my

(First, Middle, Last)

address is \_\_\_\_\_

(Street, City, State, Zip Code, Country)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Declarant/Authorized Process Server\_\_\_\_\_  
(Id No. and expiration of certification)

118639-CV

CAUSE NO. \_\_\_\_\_

MARIA CUBOS  
 Plaintiff,

V.

WALMART, INC.,  
 WAL-MART STORES TEXAS, LLC,  
 D/B/A WALMART SUPERCENTER  
 STORE #3510  
 Defendants.

§ IN THE DISTRICT COURT  
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 § OF BRAZORIA COUNTY, TEXAS

**PLAINTIFF MARIA CUBOS' ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES, Maria Cubos, hereinafter called Plaintiff, complaining of and about Walmart, Inc., Wal-Mart Stores Texas L.L.C. d/b/a Walmart Supercenter Store #3510, and, hereinafter called Defendants, and for cause of action shows unto the Court the following:

**I. DISCOVERY CONTROL PLAN & CLAIM FOR RELIEF**

1. Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of Civil Procedure 190.3(a) and affirmatively pleads that this suit is not governed by the expedited-actions process in Texas Rule of Civil Procedure 169, since Plaintiff generally seeks monetary relief over \$100,000 but not more than \$200,000 in the various causes of action as stated hereinafter in this petition. The damages and relief sought in this case are within the jurisdictional limits of this court.

**II. PARTIES AND SERVICE**

2. Plaintiff Maria Cubos is an individual and resident of Harris County, Texas.

3. Defendant Walmart, Inc. is a corporation doing business in the State of Texas at Walmart Supercenter Store #3510, located at 1710 Broadway St., Pearland, TX 77581; phone: 281-482-5016, and may be served with process by serving its registered agent C T Corporation

System, 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136.

4. Defendant Wal-Mart Stores Texas, Inc., d/b/a Walmart Supercenter Store #3510, is a corporation doing business in the State of Texas at 1710 Broadway St., Pearland, TX 77581, phone: 281-482-5016, and may be served with process by serving its registered agent C T Corporation System, 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136.

### **III. JURISDICTION AND VENUE**

5. The Court has subject- matter jurisdiction over the lawsuit because the amount in controversy exceeds this Court's minimum jurisdictional requirements.

6. Venue is proper in Brazoria County under Tex. Civ. Prac. & Rem. Code Sec., 15.002 because all or a substantial part of the events or omissions giving rise to this cause of action occurred in Brazoria County, Texas.

### **IV. FACTS**

7. On or about July 11, 2020, Maria Cubos went to Walmart Supercenter Store #3510, located at 1710 Broadway St., Pearland, TX 77581, to shop and tried to retrieve a shopping cart; however, the shopping carts were stuck. Plaintiff Cubos moved and stood to the side, in the next row to try and detach the shopping carts. As Plaintiff Cubos began pulling the handle on one of the carts, a Walmart employee turned on a machine which pushed that set of shopping carts in that row to violently slam into Plaintiff Cubos, striking her in the lower back and almost knocking her off her feet. Plaintiff Cubos looked back to see what had happened and the Walmart employee again caused the shopping carts to hit her again. When Plaintiff Cubos regained her composure, she saw that a Walmart employee who was pushing and trying to maneuver several shopping carts at once, had crashed into her. As a result of the incident, Plaintiff immediately experienced extreme lower back pain where she was struck by the cart.



8. Plaintiff Cubos suffered injuries to her lower back, hips, and both legs. After she fell, Plaintiff needed assistance to get up. As a result of her injuries, emergency medical personnel were called to treat Plaintiff at the scene. Thereafter, because of the continuing pain being suffered, Plaintiff Cubos sought medical treatment for her injuries, including having to wear a back brace to provide support prevent further damage and injury. Plaintiff continues to require medical treatment and care and has been told that she needs to have surgery on her back.

V.

**CAUSE OF ACTION- PREMISES LIABILITY**

9. On the date and at the time of the injury, Defendants were the owner of the premises at Walmart Supercenter Store #3510, located at 1710 Broadway St., Pearland, TX 77581. At this location, Defendants operated a retail grocery store offering for sale to its customers a variety of bulk grocery items, electronics & home goods.

10. The Defendants were in control of the premises at which the Plaintiff's injuries occurred because, at the time the injuries occurred, the Defendants were the owner of the premises and had the exclusive right to control the property on which the Plaintiff was injured.

11. Plaintiff was an invitee at the time the injury occurred. The Plaintiff went on Defendants' premises for the mutual benefit of herself and the Defendants, and at the implied invitation of the Defendants. The Plaintiff was a business invitee of the Defendants and had entered the Defendants' premises on or about July 11, 2020, for the purpose of purchasing items for sale at this store, known as Walmart. The Defendants had extended an open invitation to the Plaintiff as a customer to enter the premises to shop and purchase items. Based on the foregoing, Plaintiff entered Defendants' premises with Defendants' knowledge and for their mutual benefit.

12. Because the Plaintiff was an invitee at the time of injury, the defendants owed her



a duty to exercise ordinary care to keep the premises in reasonably safe condition, inspect the premises to discovery latent defects, and to make safe any defects or give an adequate warning of any hidden dangers.

13. A condition on Defendants' premises posed an unreasonable risk of harm. Specifically, as Plaintiff entered the store to shop she was violently hit in the lower back by shopping carts by a Walmart employee, thereby causing Plaintiff to almost fall to the ground and suffer injuries to her back, hips, and both legs. The Walmart employee's reckless handling of the shopping carts whereby they violently struck Plaintiff Cubos in her lower back and almost knocked her to the ground, posed a dangerous condition and an unreasonable risk.

14. Defendants knew or reasonably should have known of the condition of the premises because Defendants, or its agent, servant, or employee, actually supervise their employees in the handling of the shopping carts.

15. Defendants had a duty to use ordinary care to ensure that the premises did not present a danger to Plaintiff. This duty includes the duty to inspect and the duty to warn or to cure. The Defendants' conduct, and that of its agents, servants, and employees, acting within the scope of their employment, constituted a breach of the duty of ordinary care owed by the Defendants to the Plaintiff. The Defendants knew or should have known that the condition on its premises created an unreasonable risk of harm to invitees as alleged above.

16. Defendants' breach of duty proximately caused injury to Plaintiff, resulting in the damages alleged herein.

#### **CAUSE OF ACTION--NEGLIGENCE**

17. Plaintiff incorporates by reference the facts and allegations previously set forth in paragraphs 1 through 16, above.

18. Defendants failed to use ordinary care through various acts and omissions, each of which singularly and or in combination with the others, are a proximate and producing cause of Plaintiff's damages. Plaintiff sustained the injuries alleged herein because of Defendants' failure to use reasonable care in protecting its customers from the handling and moving of shopping carts by the their employees. There were no signs warning customers. If the Defendants had exercised reasonable care, this incident would not have occurred. Defendants failed to recognize and remediate this foreseeable or known hazard. Said acts of negligence were the proximate cause of the injuries and resulting damages sustained by Plaintiff, as alleged herein.

**CAUSE OF ACTION—GROSS NEGLIGENCE**

19. Plaintiff's injury resulted from Defendants' gross negligence, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code, section 41.003(a). Defendants' negligent acts and omissions as alleged herein involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Additionally, Defendants had actual subjective awareness of the risk but proceeded with conscious indifference to the rights, safety, and welfare of others.

**VI. DAMAGES**

20. Plaintiff incorporates by reference the facts and allegations previously set forth in paragraphs 1 through 19, above. Plaintiff seeks unliquidated damages within the jurisdictional limits of this Court.

21. As a direct and proximate result of Defendants' intentional, negligent acts and omissions described above, Plaintiff suffered substantial injuries and damages for which she now seeks recovery in an amount that the jury determines to be fair and reasonable, including the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the incident complained of herein and such charges are reasonable and were usual and customary charges for such services in Harris County, Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Loss of earnings in the past;
- H. Loss of earning capacity which will, in all probability, be incurred in the future;
- I. Disfigurement in the past;
- J. Disfigurement in the future;
- K. Mental anguish in the past;
- L. Mental anguish in the future; and
- M. Cost of medical monitoring and prevention in the future.

#### **VII. JURY EMAND**

22. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

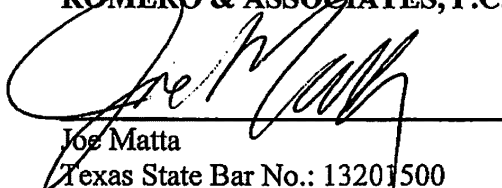
**VIII. PRAYER**

24. WHEREFORE, PREMISES CONSIDERED, Plaintiff Maria Corbus, prays that Defendants be cited to appear and answer herein, and that upon final hearing hereof, Plaintiff be awarded a judgment against Defendants for the following:

1. Actual damages.
2. Mental anguish damages.
3. Exemplary damages.
4. Prejudgment and post-judgment interest.
5. Court costs.
6. All other relief, general and special, at law, or in equity, to which Plaintiff is entitled.

Respectfully submitted,

**ROMERO & ASSOCIATES, P.C.**



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Joe Romero  
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**ATTORNEYS FOR PLAINTIFF**